IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PENDELTON DIVISION

ADAM DAVID NILSSON,

        Plaintiff,

    v.

BAKER COUNTY, OREGON; TRAVIS
ASH; WYN LOHNER; JEFRI VAN
ARSDALL; GABRIEL MALDONADO;
WILL BENSON; ERIC COLTON;
SHANNON REGAN; DOES 1-30; BAKER
CITY, OREGON,

        Defendants.

No. 2:19-cv-01250-SU

OPINION AND ORDER

MOSMAN, J.,

On July 27, 2021, Magistrate Judge Patricia Sullivan issued her Findings and

Recommendation ("F. & R.") [ECF 66]. Judge Sullivan recommends that I grant the Motion to

Dismiss filed by Defendants Baker City, Oregon, Wyn Lohner, and Shannon Regan [ECF 57].

Objections were due on August 8, 2021, but none were filed. I agree with Judge Sullivan.

### STANDARD OF REVIEW

The magistrate judge makes only recommendations to the court, to which any party may

file written objections. The court is not bound by the recommendations of the magistrate judge

but retains responsibility for making the final determination. The court is generally required to

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make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F. & R. to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F. & R. depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F. & R. 28 U.S.C. § 636(b)(1)(C).

## CONCLUSION

Upon review, I agree with Judge Sullivan's recommendations, I ADOPT her F. & R. [ECF 66] as my own opinion, and I GRANT Defendants' Motion to Dismiss [ECF 57].

IT IS SO ORDERED.

DATED this _23_ day of August, 2021.

MICHAEL W. MOSMAN
United States District Judge